

Department of Environmental Protection and Resource Management
105 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.71011

Robert M. Catron
P. O. Box 509
White Marsh, MD 21162

7890 Harold Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on January 19, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC section 35-5-208 (a)(c); 13-7-306, failure to close openings in the rear yard, failure to send, in writing, proof of work done by professional exterminator on residential property known as 7809 Harold Road, 21222

On January 12, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Ed Creed issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,100.00 (three thousand one hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Citation was issued on November 9, 2009 for failure to maintain premises in rat-free condition and failure to eliminate rat harborages. A Citation was issued on December 8, 2009 for failure to abate rat infestation in rear yard. These Citations were not enforced. This Citation was issued on January 12, 2010. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish. BCC Section 3-6-205. In any event the prior two Citations serve the purpose of Correction Notices and Respondent has been given several extensions of time to correct violations.

B. Photographs in the file of this investment property show cans overflowing with bagged garbage. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. Photographs in the file also show a large quantity of uncollected dog feces on the ground. Failure to clean up dog feces violates prohibitions against accumulation of garbage on residential property, and creates food for rats. Respondents must clean up the dog feces on a daily basis. BCC Section 13-7-309, Section 13-7-310. Collected feces must be properly stored in the same manner as garbage, in waterproof cans with tight-fitting lids. BCC Section 13-4-201.

C. Photographs in the file show large rat holes along the fence line in the rear yard, indicating an active rat infestation. The property owners have not responded to the County's notices and there is no evidence that Respondents have taken appropriate action to exterminate the rats. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306.

D. Photographs also show blue rat bait packages scattered on the ground and stuffed into ratholes. Notes in the file show that these rat bait packages are "First Strike Soft Bait" and are designed for use in tamper-resistant bait stations and are supposed to be secured from access by children or dogs. Use restrictions include "do not broadcast bait." It is apparent that Respondent or Respondent's tenant has improperly scattered these rat baits on the premises. This does not comply with the property owner's legal obligation to treat and exterminate the rat infestation. If Respondent does not abate the infestation within the time provided below, and provide the County with appropriate documentation including receipts from a licensed exterminator, the County will be authorized to enter the property for abatement at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if the violations are corrected by March 15, 2010, with garbage properly stored, animal feces collected daily, and the rat infestation exterminated or properly treated, with receipts from a licensed exterminator provided to the County.

IT IS FURTHER ORDERED that if Respondent fails to provide receipts from a licensed exterminator, after March 15, 2010 the County may enter the property for the purpose of exterminating the rat infestation, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 12th day of February 2010

Signed: ORIGINAL SIGNED

Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf